

## HOUSE BILL NO. 636

INTRODUCED BY BIXBY, SMALL-EASTMAN, DICKENSON, CAMPBELL, BRANAE, JACOBSON, JAYNE,  
CORDIER, BERGREN, PARKER, GROESBECK, JOPEK

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING QUOTAS FOR STOPS, CITATIONS, AND ARRESTS  
BY LAW ENFORCEMENT OFFICERS; PROHIBITING THE USE OF QUOTAS IN EVALUATING LAW  
ENFORCEMENT OFFICERS; AMENDING SECTIONS 7-32-103, 7-32-2107, 7-32-4105, 44-1-302, AND  
46-6-420, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-32-103, MCA, is amended to read:

**"7-32-103. Structure of department of public safety -- duties -- restrictions on evaluations.** (1) The  
director ~~shall have~~ has the powers and shall perform the duties conferred on and required of sheriffs, police  
officers, and chiefs of police, except in cases involving the discharge or termination of employment of subordinate  
employees.

(2) Officers and patrol officers of the city or town police department and deputies of the county sheriff's  
office ~~shall be~~ are subordinate to the director and ~~shall~~ have the power and shall perform the duties conferred  
on and required of police officers and patrol officers in cities and towns and of sheriff's deputies in counties, as  
required by state law and municipal ordinance.

(3) Quotas for investigative stops, citations, or arrests may not be established and may not be used in  
evaluating officers."

**Section 2.** Section 7-32-2107, MCA, is amended to read:

**"7-32-2107. Tenure for deputy sheriffs -- grounds for termination of employment -- restrictions  
on evaluations.** (1) Any deputy sheriff ~~now~~ employed or who may ~~hereafter~~ be employed shall continue in  
service until relieved of his employment in the manner ~~hereinafter~~ provided in this part and only for one or more  
of the following specified causes:

(~~1~~)(a) conviction of a felony subsequent to the commencement of ~~such~~ employment;

(~~2~~)(b) willful disobedience of an order or orders given by the sheriff;

1           ~~(3)(c)~~ drinking intoxicating liquor while in uniform or while on official duty or being intoxicated in a public  
 2 place while in uniform or while on official duty;  
 3           ~~(4)(d)~~ sleeping while on duty;  
 4           ~~(5)(e)~~ incapacity materially affecting ability to perform official duties;  
 5           ~~(6)(f)~~ gross inefficiency in the performance of official duties.  
 6           (2) Quotas for investigative stops, citations, or arrests may not be established and may not be used in  
 7 evaluating deputies."

8  
 9           **Section 3.** Section 7-32-4105, MCA, is amended to read:  
 10           **"7-32-4105. Duties of chief of police.** (1) It is the duty of the chief of police:  
 11           (a) to execute and return all process issued by the city judge or directed to ~~him~~ the chief by any legal  
 12 authority and to attend upon the city court regularly;  
 13           (b) to arrest all persons guilty of a breach of the peace or for the violation of any city or town ordinance  
 14 and bring them before the city judge for trial;  
 15           (c) to have charge and control of all ~~policemen~~ police officers, subject to ~~such~~ rules as ~~that~~ may be  
 16 prescribed by ordinance, and to report to the council all delinquencies or neglect of duty or official misconduct  
 17 of ~~policemen~~ police officers for action of the council;  
 18           (d) to perform ~~such~~ other duties as the council may prescribe.  
 19           (2) The chief of police has the same powers as a constable in the discharge of ~~his~~ the chief's duties, but  
 20 ~~he must~~ may not serve a process in any civil action or proceeding except when a city or town is a party.  
 21           (3) Quotas for investigative stops, citations, or arrests may not be established and may not be used in  
 22 evaluating police officers."

23  
 24           **Section 4.** Section 44-1-302, MCA, is amended to read:  
 25           **"44-1-302. Powers relating to supervisory personnel -- quotas prohibited.** The duties and  
 26 jurisdiction of the supervisory personnel ~~shall~~ must be outlined and defined by and under the control of the chief.  
 27 Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating  
 28 highway patrol officers."

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 30           **Section 5.** Section 46-6-420, MCA, is amended to read:

1           **"46-6-420. Arrest, or citation, or stop quotas prohibited.** (1) A state or local government agency  
 2     employing a peace officer may not adopt and require a peace officer to comply with a quota and may not suggest  
 3     a quota for arrests, or citations, or investigative stops for any criminal offense or class of criminal offenses,  
 4     including violations of traffic or motor vehicle laws, contained in state law, an administrative rule adopted by an  
 5     agency of the state government, or a local government ordinance.

6           (2) ~~(a)(A)~~ For purposes of this section, "quota" means a specific number of arrests, or citations, or  
 7     investigative stops.

8           ~~(b) The term does not include the use of generally accepted management techniques that employ~~  
 9     ~~performance objectives as part of an overall employee evaluation.~~

10     ~~————(B) THE TERM DOES NOT INCLUDE THE USE OF GENERALLY ACCEPTED MANAGEMENT TECHNIQUES THAT EMPLOY~~  
 11     ~~PERFORMANCE OBJECTIVES AS PART OF AN OVERALL EMPLOYEE EVALUATION."~~

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13           NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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